HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.5986 OF 2006

DATE:27.03.2006

Between:

S. Kumar's Agri Business Corporation, rep.

By its Proprietor, O.Santa Kumar Reddy.

..... PETITIONER

AND

The District Collector & Chairman,

DistrictWater Management Agency,

Kurnool & two others.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.5986 OF 2006

ORDER:

It is well settled that the contractual obligations cannot be enforced through a writ proceedings under Article 226 of Constitution of India. Admittedly, the petitioner claims certain amount due by the respondents in connection with the contract undertaken by him namely; supply of Henna Naked Plants 12-14 months old with 2 ½ months old with 2 ½ to 3 feet height to the respondents. From the orders of the first respondent, dated 5.10.2005 it is to be seen that 50% of the amount was directed to be released in favour of the petitioner pending 100% verification of plantation by the team of officials.

In that view of the matter it is for the respondent-authorities to have the verification and pay the balance amount after taking note of the supply made by the petitioner and if any breach/failure to perform their part of the contract, the proper remedy for the petitioner is to approach the Civil Court seeking enforcement of the contract as per the terms and conditions of the contract.

With the above observation, the Writ Petition is dismissed at the admission stage. No costs.

A. GOPAL REDDY, J

27th MARCH, 2006.

Tsr